

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

FILED

AUG 28 2009


CLERK

CENTRAL DIVISION

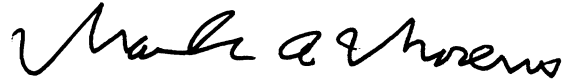
UNITED STATES OF AMERICA,	*	
	*	CR. 09-30053-CBK
Plaintiff,	*	
	*	
-VS-	*	REPORT AND RECOMMENDATION
	*	FOR DISPOSITION OF DEFENDANT'S
ANTONIO DIAZ LEFT HAND BULL,	*	MOTION TO SUPPRESS STATEMENTS
	*	AND EVIDENCE
Defendant.	*	
	*	

Defendant, Antonio Diaz Left Hand Bull has filed a Motion to Suppress Statements and Evidence, Docket No. 16. Because Defendant's Motion is a dispositive one, this Court is only authorized to determine the same on a report and recommendation basis. See 28 U.S.C. §636(b)(1). Based on the findings, authorities and legal discussion made on the record at the August 28, 2009 hearing, the Court hereby

RECOMMENDS that Defendant's Motion be granted in part and denied in part. The Motion is granted to the extent that it seeks to suppress Defendant's statements to Officer Crow Eagle on March 8, 2009. In all other respects, and in particular, as concerns Defendant's clothing, subsequent statements to Special Agents Davis and Fisher and buccal swabs, the Motion should be denied.

Dated this 28th day of August, 2009, at Pierre, South Dakota.

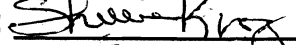
BY THE COURT:



MARK A. MORENO
UNITED STATES MAGISTRATE JUDGE

ATTEST:

JOSEPH HAAS, CLERK

BY: 
Deputy

(SEAL)

NOTICE

Failure to file written objections to the within and foregoing Report and Recommendations for Disposition within ten (10) days from the date of service shall bar an aggrieved party from attacking such Report and Recommendations before the assigned United States District Judge. See 28 U.S.C. § 636(b)(1).